

FISCAL NOTE

HB 2528 - SB 2951

March 15, 2006

SUMMARY OF BILL: Removes the statute of limitations for prosecution for any sexual offense committed against a person under the age of 18 on or after July 1, 2006. Eliminates extended statute of limitations (until the victim reaches age 21) currently applicable to offenses of incest and distribution of obscene materials to a minor.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures – Net Impact - \$1,867,200 /
Incarceration***

Assumptions:

- Removes statute of limitations for any offense under Title 39, Chapter 13, Part 5 committed against a person less than 18 years of age.
- By deleting Tenn. Code Ann. § 40-2-101(f), the bill eliminates an extended statute of limitations until the victim reaches age 21 currently applicable to the offenses of incest and distribution of obscene materials to a minor. These offenses are not covered by the removal of the statute of limitations for other sexual offenses and will revert to the standard statute of limitations. As a result of the shortened statute of limitations, prosecutions for these offenses will decrease.
- A reduction of one Class C felony conviction of incest or distribution of obscene material due to the elimination of the extended statute of limitations for these offenses. The decrease in cost per inmate is \$16,443.07 (\$50.02 x 328.73 days).
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years, yielding a projected compound population growth of 13.6% over the next ten years.
- According to the Department of Correction, the average operating cost per inmate per day for calendar year 2006 is \$50.02.
- Three persons will be convicted of a Class A felony for a sexual offense committed against a person under the age of 18 and will serve 100% of the 20-year sentence. The cost per inmate at 20 years is \$365,396.10 (\$50.02 x 7,305 days). The maximum cost per inmate in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is \$182,698.05 (\$50.02 x 3,652.50 days). The total additional operating cost for three offenders in the tenth year is \$548,094.15 (\$182,698.05 x 3).

- One person will be convicted of a Class A felony offense and will serve 17 years. The cost per inmate at 17 years is \$310,586.69 (\$50.02 x 6,209.25 days). The maximum cost per inmate in the tenth year is \$182,698.05 (\$50.02 x 3,652.50 days).
- Seven persons will be convicted of a Class B felony offense in the first year. Population growth of 1.09 percent per year will result in one additional offender in the tenth year as a result of this bill. The maximum cost in the tenth year is based on eight offenders serving 6.8 years (2,483.70 days). The cost per inmate in the tenth year is \$124,234.67 (\$50.02 x 2,483.70 days). The total additional operating cost for eight offenders is \$993,877.36 (\$124,234.67 x 8).
- One person will be convicted of a Class B felony offense and will serve 2.4 years (876.60 days). The cost per inmate is \$43,847.53 (\$50.02 x 876.60 days).
- Four persons will be convicted of a Class C felony offense and will serve 0.9 years (328.73 days). The cost per inmate is \$16,443.07 (\$50.02 x 328.73 days). The total additional operating cost for four offenders is \$65,772.28 (\$16,443.07 x 4).
- One person will be convicted of a Class D felony offense and will serve 0.6 years (219.15 days). The cost per inmate is \$10,961.88 (\$50.02 x 219.15 days).
- Six persons will be convicted of a Class E felony offense in the first year. Population growth of 1.09 percent per year will result in one additional offender in the tenth year as a result of this bill. The maximum cost in the tenth year is based on seven offenders serving 0.3 years (109.56 days). The cost per inmate is \$5,480.19 (\$50.02 x 109.56 days). The total additional operating cost for seven offenders is \$38,361.33 (\$5,480.19 x 7).
- The net impact of this bill is an increase in state expenditures of \$1,867,169.51 (\$1,883,612.58 - \$16,443.07).

**Tennessee Code Annotated, Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly legible, and "W." in the middle.

James W. White, Executive Director